IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

And
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 15050 of 2004

Between:

1 M.S.R. Prasada Rao S/o Venkat Rao
O/o Mogalakuduru Primary Agricultural Co.Operative Credit Society No. 2378, Mogalikuduru,
Hamidikuduru Mandal, East Godavari District
2 Dandu Srinivasa Raju S/o Somaraju
O/o Mogalakuduru Primary Agricultural Co.Operative Credit Society No. 2378, Mogalikuduru,
Hamidikuduru Mandal, East Godavari District
3 D.V. Hanumath Prasad S/o Subba Rao
O/o Kadli Primary Agricultural Co.Operative Credit Society No. B.9,
Kadali,Razole Mandal, East Godavari District
4 Tadi Srinivasa Rao S/o Anjaneyulu
O/o Kadli Primary Agricultural Co.Operative Credit Society No. B.9,
Kadali,Razole Mandal, East Godavari District
5 K. Rama Raju S/o Narayudu
O/o Mattaparru Frimary Agricultural Co.Operative Credit Society, Malkipuram Mandal, East Godavari District
6 Ch. Peddi Raju S/o Narayudu
O/o Mattaparru Frimary Agricultural Co.Operative Credit Society, Malkipuram Mandal, East Godavari District
7 B. Srihari S/o Satyanarayana
O/o Mattaparru Frimary Agricultural Co.Operative Credit Society, Malkipuram

Mandal, East Godavari District

8 Dantuluri Kumara Venkata Satya Suryanarayana Raju S/o Bapi Raju
O/o Chinthalapalli Primagry Agricultural Co.Operative Credit Society Ltd., No. B 303,
Chinthalapally Razole Mandal, East Godavari District

9 K. Narayana Rao S/o Venkataratnam,
O/o Chinthalapalli Primagry Agricultural Co.Operative Credit Society Ltd., No. B 303,
Chinthalapally Razole Mandal, East Godavari District

10 V.v. Surya Subba Rao S/o Satyanarayana Murthy
O/o Chinthalapalli Primagry Agricultural Co.Operative Credit Society Ltd., No. B 303,
Chinthalapally Razole Mandal, East Godavari District

11 Chintalapally Nageswara Rao S/o Veeranna
O/o Chinthalapalli Primagry Agricultural Co.Operative Credit Society Ltd., No. B 303,
Chinthalapally Razole Mandal, East Godavari District

12 M. Rambabu S/o Narsimha Murthy
O/o Gudapally Primary Agricultural Co.Operative Credit Society Ltd., No. B 295,
Malkipuram Mandal, East Godavari District

13 R. Satyanarayana S/o Sruyanarayana Rao
O/o Gudapally Primary Agricultural Co.Operative Credit Society Ltd., No. B 295,
Malkipuram Mandal, East Godavari District

14 N.V.V. Satyanarayana S/o Subrahmanyam
O/o Gudapally Primary Agricultural Co.Operative Credit Society Ltd., No. B 295,
Malkipuram Mandal, East Godavari District

15 K. Kondal Rao S/o Gangaiah
O/o Gudapally Primary Agricultural Co.Operative Credit Society Ltd., No. B 295,
Malkipuram Mandal, East Godavari District

..... PETITIONERS

AND

1 The Government of A.P. Co-operative Department, rep by Secretary, Secretariat Buildings, Hyderabad

2 The Commissioner and Registrar of Cooperative Societies, Nampally, Hyderabad

3 The District Co-operative Central Bank Ltd., Kakinada, East Godavari District, rep by General Manager.

4 The District Co-operative Officer, Kakinada, East Godavari District.

5 The Divisional Co-operative Officer, Amalapuram, E.G. District.

6 The Mogalakuduru Primary Agricultural Co-operative Credit Society No. 378, Mogalikuduru, Mamidikuduru Mandal, E.G. District, rep by Chairman/Person-in-Charge.

7 The Kadali Primary Agricultural Co-operative Credit Society No. B.9 Kadali, Razole Mandal, East Godavari District, rep by Chairman/ Person-in-Charge.

8 The Mattaparru Primary Agricultural Cooperative Credit Society Mattaparru, Malikpuram Mandal, East Godavari District, rep by Chairman/ Person-in-Charge

9 The Chintalapally Primary Agricultural Co-operative Credit Society Ltd., B

303,Chintalapally, Rozal Mandal, East Godvari District, rep by Chairman/Person-in-Charge.
10 The Gudapally Primary Agricultural Co-operative Credit Society Ltd., B. 295, Gudapally,Malikpuram Mandal East Godavari District rep by Chairman/Person-in-Charge.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare the ordinance No.11/2003 namely the AP (Regulation of Appointments to public Service) Act 1994 (Amendment) Ordinance 2003, dated 30-12-2003 as ultravires, unconstitutional and negation to the object and purpose of AP Co-operative Societies Act (Act 7/1964) besides declaring the Act 2/1994 has no application to the Societies registered under AP Co-operative Societies Act 1964 (Act 7/1964).

Counsel for the Petitioners: MR.KATTANARASIMHA RAO

Counsel for the Respondent Nos.1,2,4 & 5: GP FOR COOPERATION

Counsel for the Respondent Nos.3, 6 to 10: None appeared.

The Court made the following at the stage of admission:

:ORAL ORDER:

(Per: The Hon'ble Mr. J. Chelameswar)

The writ is filed with the prayer as follows:

> "For the reasons and in the circumstances stated in the accompanying affidavit, the petitioners herein pray in the interest of justice, in the nature of the Writ of Mandamus by declaring the Ordinance No. 11/2003 namely "The A.P. (Regulation of Appointments to Public Services and Rationalization of Staff Pattern and Pay Structure) Act, 1994 (Amendment) Ordinance, 2003 dated 30-12-2003 as ultravires, unconstitutional and negation to the object and purpose of A.P. Co-operative Societies Act (Act 7/1964) besides declaring the Act 2/1994 has no application to the Societies registered under A.P. Co-operative Societies Act, 1964 (Act 7/1964) and pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

When the matter was taken up, nothing connected with this matter is stated before the Court, neither on the facts nor on the law, except stating that in similar maters this Court granted some interim orders, which were annexed to the writ petition at page Nos. 24 to 26 of the material papers. No attempt is made to demonstrate the similarity between the matters in which the interim orders have been passed by this Court and the present writ petition. In the absence of any assistance, we are utterly incapacitated from rendering any decision on the issue that might or might not arise in the case. The writ petition is, accordingly, dismissed at the stage of admission.

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J. CHELAMESWAR, J

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GODA RAGHURAM, J

Dt. 24-08-2004

Pvks/*

To

1. The Secretary, the Government of A.P. Co-operative Department, Secretariat Buildings, Hyderabad
2 The Commissioner and Registrar of Cooperative Societies, Nampally, Hyderabad
3 The General Manager, the District Co-operative Central Bank Ltd., Kakinada, East Godavari District.
4 The District Co-operative Officer, Kakinada, East Godavari District.
5 The Divisional Co-operative Officer, Amalapuram, E.G. District.
6 The Chairman/Person-in-Charge, the Mogalakuduru Primary Agricultural Co-operative Credit Society No. 378, Mogalikuduru, Mamidikuduru Mandal, E.G. District.
7 The Chairman/Person-in-Charge, the Kadali Primary Agricultural Co-operative Credit Society No. B.9 Kadali, Razole Mandal, East Godavari District.
8 The Chairman/Person-in-Charge, the Mattaparru Primary Agricultural Cooperative Credit Society Mattaparru, Malikpuram Mandal, East Godavari District.
9 The Chairman/Person-in-Charge, the Chintalapally Primary Agricultural Co-operative Credit Society Ltd., B 303,Chintalapally, Rozal Mandal, East Godvari District.
10 The Chairman/Person-in-Charge, the Gudapally Primary Agricultural Co-operative Credit Society Ltd., B. 295, Gudapally,Malikpuram Mandal East Godavari District.

11.2CCs to the Government Pleader for Co-operation, A.P. High Court Buildings,

Hyderabad, (OPUC).

12.2CD copies

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